

REMARKS

The Examiner has allowed claim 12 and found claims 4-8 allowable if rewritten as independent claims. The Examiner has rejected claims 1-3, 9-11, 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Washburn et al. U.S. Patent No. 5,815,865 in view of Meyer et al. U.S. Patent No. 5,970,789.

Applicants have rewritten claims 4-8 to depend from new claim 15. New claim 15 is generic to original claims 4-8 and contains all of the limitations common to those claims plus the limitations of each of those claims recited in the alternative. This form of claim is used to minimize the number of independent claims.

Claim 1 has been amended based on the Examiner's statement of reasons for allowance of claim 12 and in consideration of the allowable claims 4-8. Amended claim 1 is broader than allowed claims 4-8 and 12 in that unnecessary elements that the Examiner has concluded do not add patentable weight to the claims have been eliminated. It is submitted that amended claim 1 and dependent claims 2, 3 and 9-11 are patentable for the same reasons that claims 4-8, 12 and 15 are patentable.

Applicants respectfully traverse the rejection of claims 13 and 14. Claims 13 and 14 are limited to certain mechanical elements of the hardware illustrated in Figs. 3 and 4 that are not disclosed in the prior art and function differently than machines of the prior art. The claims recite methods of using this hardware to evaluate mattresses. Both methods include *applying either a weight profile load or pressure to pistons connected to independently movable pressure plates of a test apparatus, which pressure plates are positioned and sized on a mattress so as to mimic the shape of a selected person.* This specific test apparatus hardware distinguishes the subject matter claimed in claims 13 and 14 from any mattress test or evaluation apparatus suggested by the references. The recited methods of claims 13 and 14 that rely on these hardware elements are not taught

by the prior art of record. Accordingly, no *prima facie* case of the obviousness of these claims is presented.

For the reasons stated above, it is submitted that the claims, as amended, are allowable. Accordingly, an early allowance is respectfully requested.

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Applicants enclose a check in the amount of \$84 for an additional independent claim. Applicants do not believe that any other fees are due in connection with this submission. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to Show Changes Made."

Respectfully submitted,

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